

## Message Text

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12  
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INFO OCT-01 ARA-06 ISO-00 OES-06 NSF-01 L-03 ABF-01 TRSE-00

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DRAFTED BY INT:USGS/HLFLEMING  
APPROVED BY ARA-ECA:RJBALLANTYNE  
OES, J. FRY (INFO)

----- 048280

R 162018Z JUL 76  
FM SECSTATE WASHDC  
TO AMEMBASSY BRASILIA

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E.O. 11652: N/A

TAGS: EAID, EMIN, EFIN, BR US

SUBJECT: US/BRAZIL PROGRAM FOR TECHNICAL COOPERATION IN  
EARTH SCIENCE

REF: (A) TELCON JULY 13, COURTNEY AND FLEMING USGS  
(B) 2455  
(C) STATE 042758

IN ACCORDANCE WITH CONVERSATION BETWEEN COURTNEY AND  
FLEMING (REF A) USGS HAS REVISED A PORTION OF DRAFT MOU  
(REF B) FOR CONSIDERATION BY EMBASSY AND MINISTRY.

### 1. FINANCIAL SECTION:

QUOTE - 7.2 WITH RESPECT TO THOSE PROJECTS REQUESTED BY  
THE MINISTRY, THE COSTS INCURRED BY THE USGS IN CONDUCTING  
THE PROJECT AS SET FORTH IN EACH PROJECT IMPLEMENTATION  
PLAN SHALL BE PAID FROM FUNDS PROVIDED BY THE MINISTRY.  
FOR EACH APPROVED PROJECT IMPLEMENTATION PLAN THE MINISTRY  
SHALL ADVANCE FUNDS TO THE AMERICAN EMBASSY, BRASILIA,  
BRAZIL ON BEHALF OF THE USGS IN AN AMOUNT IN CRUZEIROS

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EQUAL TO THE U.S. DOLLAR BUDGET ESTIMATE GIVEN IN THE

BUDGET ATTACHED TO THAT PLAN. THESE FUNDS SHALL BE  
ADVANCED NOT LATER THAN ONE (1) MONTH AFTER THE PERTINENT  
PROJECT IMPLEMENTATION PLAN HAS BEEN APPROVED BY BOTH  
PARTIES.

7.3 THE AMOUNTS CITED IN THE BUDGET ESTIMATE ATTACHED TO  
EACH PROJECT IMPLEMENTATION PLAN WILL BE BASED ON THE  
ESTIMATES OF SALARIES, ALLOWANCES, AND OTHER EXPENSES OF  
THE USGS AND UPON CURRENT PREVAILING COSTS. IF THE  
ACTUAL COSTS, ALSO TAKING INTO CONSIDERATION THE FLUCTUA-  
TION OF RATES OF EXCHANGE OF CRUZEIROS TO U.S. DOLLARS  
FOR THOSE EXPENSES OF THE USGS WHICH MUST BE PAID IN U.S.  
DOLLARS, ARE ESTIMATED TO BE IN EXCESS OF THE AMOUNT  
OF CRUZEIROS ADVANCED BY THE MINISTRY, A NEW BUDGET ESTI-  
MATE SHALL BE NEGOTIATED. THE BUDGET ESTIMATE WILL BE  
REVIEWED AND, IF NECESSARY, RENEGOTIATED AT LEAST ON A  
SEMI-ANNUAL BASIS. LIKEWISE, IF, AT THE COMPLETION OF  
THE WORK UNDER THE PERTINENT PROJECT IMPLEMENTATION  
PLAN, THE AMOUNT OF FUNDS ADVANCED BY THE MINISTRY IS IN  
EXCESS OF THE ACTUAL COSTS, ANY EXCESS SHALL BE RETURNED  
TO THE MINISTRY. UNQUOTE

COMMENTS: MAJOR PORTION OF REVISION INVOLVES DELETION OF  
REFERENCE TO PROCEDURES FOR CONVERSION OF CRUZEIROS TO  
U.S. DOLLARS (REF C) WHICH SHOULD NOT BE OF PARTICULAR  
INTEREST TO MINISTRY EXCEPT FLUCTUATION OF RATES OF  
EXCHANGE. FLUCTUATION PORTION HAS BEEN INCLUDED IN  
REVISED TEXT.

2. FORCE MAJEURE SECTION:

QUOTE - IF THE USGS IS RENDERED UNABLE BECAUSE OF FORCE  
MAJEURE TO PERFORM THEIR RESPONSIBILITIES UNDER THE  
PERTINENT PROJECT IMPLEMENTATION PLAN THESE RESPONSIBILI-  
TIES SHALL BE SUSPENDED DURING THE PERIOD OF CONTINUANCE  
OF SUCH INABILITY. THE TERM "FORCE MAJEURE" MEANS ACTS  
OF GOD, ACTS OF THE PUBLIC ENEMY, WAR, CIVIL DISTURBANCES,  
AND OTHER SIMILAR EVENTS NOT CAUSED BY NOR WITHIN THE  
CONTROL OF THE USGS. DURING THE PERIOD OF SUSPENSION OF  
PERFORMANCE CAUSED BY FORCE MAJEURE, THE USGS MAY  
CONTINUE TO PAY NORMAL COSTS OF MAINTAINING PROJECT  
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PERSONNEL IN BRAZIL FROM FUNDS ADVANCED BY THE MINISTRY.  
IN THE EVENT OF SUSPENSION OF USGS DUTIES BECAUSE OF  
FORCE MAJEURE, THE USGS AND MINISTRY SHALL CONSULT AND  
ENDEAVOR JOINTLY TO RESOLVE ANY ATTENDANT DIFFICULTIES.  
UNQUOTE.

3. SUGGESTED CHANGES IN IMMUNITIES AND CUSTOMS SECTIONS  
MUST STILL BE CHECKED WITH STATE LEGAL. WILL ADVISE AS

SOON AS THIS ACCOMPLISHED. KISSINGER

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## Message Attributes

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